

## **Deficiency Progress Report - Update 3**

January 24, 2009

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

**CUPA:** County of San Diego, Department of Environmental Health  
Hazardous Materials Division

**Evaluation Date:** April 23 and 24, 2008

**Evaluators:** JoAnn Jaschke, CalEPA  
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**Deficiencies Corrected with Update 1: #4**

**Deficiencies Corrected with Update 2: #2 and #3**

**Deficiencies Corrected with Update 3: #1**

**Deficiency 1:** Of the files reviewed, not all of the submittals required for a Permit to Operate, or other required submittals were found in all of the files. UPCFs are required to be retained for a minimum of five years. CUPAs are also required to collect, retain and manage any additional information required by state or federal law

**Preliminary Corrective Action(s):** By June 24, 2008, the CUPA will provide an action plan for ensuring that submitted documents are incorporated into the files. The CUPA will update CalEPA on the implementation of this plan every 90 days.

### **CUPA Corrective Action, (Update 1): The County of San Diego has implemented the following steps to correct this deficiency:**

- In April 2008, DEH-HMD began requiring all UST facilities to replace existing monitoring plans with the new UPCF monitoring plan.
- In July 2008, the DEH-HMD sent a letter to all facilities with underground storage tanks (UST's) in the county, requesting owners and operators of UST systems to submit to the CUPA the new Unified Program Consolidated forms developed by the State Water Resources Board

**SWRCB Response:** The SWRCB evaluator is pleased with the progress the CUPA is making to correct this deficiency; however, the UPCF's are only part of the submittals that must be in the file. Other submittals required for a Permit to Operate include Financial Responsibility, Operator statement of

compliance, Designated Operator assignment, Site Plan, Response Plan, etc. Many of these may have already been submitted and in the electronic file. Include in the correction plan a mechanism or procedure to review files to ensure that all the required submittals are accounted for, and how the newly submitted forms will be handled and incorporated into the files.

**CUPA Corrective Action (Update 2):**

- In August of 2008, the DEH-HMD established a designated field in the KIVA database to collect the tank owner information received from the new Unified Program Consolidated forms.
- HMD continues to receive updated information packets from the regulated facilities. Field inspectors review the forms and add a comment in the KIVA database, indicating that the information has been received and sent to file.
- HMD's last Unified Program Summary report identified 1097 permitted UST facilities in the County of San Diego. To date, the DEH-HMD has received information on the new UST forms for 314 UST sites, or 29% of all facilities.
- In an effort to search more readily for UST forms that are already in the scanned files, the HMD has identified additional data fields that will be used to flag electronic documents.

**SWRCB Response:** The SWRCB evaluator is pleased with the progress the CUPA is making to correct this deficiency; however, the CUPA's statement does not speak to submittals other than the UPCF's. These are only part of the submittals that must be in the file. Other submittals required for a Permit to Operate include Financial Responsibility, Operator statement of compliance, Designated Operator assignment, Site Plan, Response Plan, etc. Please provide a statement in the plan that indicates all of the required submittals will be collected and incorporated into the files.

**CUPA Corrective Action (Update 3): [CUPA Responds Here]**

**On 11/24/2008,** the County of San Diego CUPA requested Cal/EPA's assistance in providing guidance regarding record keeping requirements mandating CUPA's to collect and incorporate business submittals in the files. Specifically, the DEH-HMD requested Cal/EPA's assistance in having the SWRCB clarify the following:

1. Provide a list of the additional files that the CUPA (not the UST/Owner Operator) is required to have on file. "Requires submittals are not clearly defined in the SWRCB response.
2. Indicate the regulatory or statutory requirement to maintain this information in hard copy or an electronic format such as Adobe's portable document format (pdf) instead of a database.

3. Provide a complete list of the required information or documents, the regulatory/statutory reference mandating retention, the retention time and format required by such law or regulation.

DHE-HMD appreciates how busy the evaluators are in meeting the evaluation schedule, but we also understand that the goal of these evaluations is to improve the Unified Program. As we transition into the new Unified Program Data system and the electronic data program is being implemented, Cal/EPA will be tasked with reviewing mandates to determine what format or documentation will satisfy the legal requirement for records retention policy. Providing the information we request (above) will not only be of great help for CUPA's and PA's, it will ultimately result in better compliance and more streamlined evaluations. Furthermore, this information is essential for DEH-HMD in order to be able to update its' record retention policy.

**Cal/EPA and SWRCB Response:** Cal/EPA will be making a determination in the near future to determine what reporting formats, to include electronic, will satisfy Unified Program and to the extent possible local government record retention requirements. It is agreed that providing a list that details to the extent possible, would be beneficial in streamlining the evaluation process and providing CUPAs additional resources to achieve consistency throughout the program. Cal/EPA looks forward to working with the CUPAs in developing the resources to support these goals. Cal/EPA will consider this deficiency as being corrected.